

REMARKS

This responds to the Office Action mailed on April 7, 2008.

Claims 1 and 8 are amended; claims 15-20 were previously canceled, without prejudice to the Applicant; as a result, claims 1-14 are now pending in this application.

Example support for the Amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 24, 36, and 42-43.

§102 Rejection of the Claims

Claims 1-14 were rejected under 35 U.S.C. § 102(e) for anticipation by Shapiro (U.S. Publication No. 2006/0242275). To sustain an anticipation rejection each and every limitation in the rejected claims must be taught or suggested in the exact detail and identical arrangement as the cited reference.

The Examiner asserts that a pixel rate and connection rate are taught by Shapiro at paragraphs 77-80. The Examiner maintains that paragraph 80 does not elaborate on pixel resolution but that it discusses accepting certain types of images. From this the Examiner reasons that Shapiro implicitly deals with pixel resolution. The Examiner further states that the image acceptance discussed in Shapiro at paragraph 80 is the result of connection speed discussed at paragraph 70.

The Shapiro reference does not discuss changing the connection rate based on pixel resolution. Shapiro in paragraph 77 indicates that the connection rate can be pre-established and defined via a cookie setting. There is no teaching or suggestion of a teaching in Shapiro where the connection rate itself is determined based on a pixel resolution. Moreover, there is no teaching or suggestion of a teaching in Shapiro where the compressed size of media data is increased when the connection rate drops and when the pixel resolution increases. Similarly, there is no teaching or suggestion of a teaching in Shapiro where the compressed size of the media data is decreased when the connection rate drops and when the pixel resolution decreases. In other words, the pixel resolution and connection rate are intimately tied to one another as is the

size of the compressed media data in a relationship. This is not shown or suggested in the Shapiro reference.

As such, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

§103 Rejection of the Claims

Claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shapiro in view of Huntington (U.S. 6,970,937). Claims 3 and 12 are dependent from independent claims 1 and 8, respectively; thus, for the amendments and remarks presented above with respect to claims 1 and 8, the rejections of claims 3 and 12 should be withdrawn and these claims allowed. Applicant respectfully requests an indication of the same.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

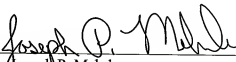
P.O. Box 2938

Minneapolis, MN 55402

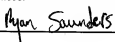
(513) 942-0224


Date 12/08/08

By


Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of December, 2008.


Name


Signature